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* Not admitted in New York

Judge Bermar

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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FLORENTINE FASHIONS, LTD

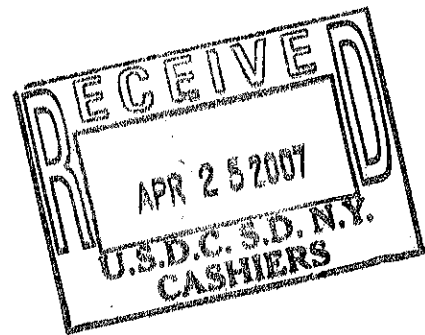
Plaintiff,

-against -

VICTORIA'S SECRET DIRECT NEW YORK, LLC

Defendant.
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07 CV 3315



COMPLAINT

Plaintiff, Florentine Fashions, Ltd. ("Florentine"), through its undersigned counsel, Sandler, Travis & Rosenberg, P.A., alleges as follows:

NATURE OF THE ACTION

1. This action arises out of the blatant acts of misappropriation, unfair competition, and other related tortious acts all committed by Defendant in connection with its unauthorized, copying, reproduction and sale of Florentine's unique dress designs.

JURISDICTION AND VENUE

2. This court has jurisdiction over the subject of this complaint under 28 U.S.C. §§ 1331, 1332, 1338 and 1367(a).

3. This Court has personal jurisdiction over the Defendant by virtue of its transacting, doing, soliciting and conducting purposeful and meaningful business in this district. In addition, much of the misconduct set forth below occurred in this judicial district.

4. Venue is proper in this district under 28 U.S.C. § 1391(b) and (c) because a substantial part of the events giving rise to the claims occurred and accrued in this district.

THE PARTIES

5. Plaintiff, Florentine, is a Canadian corporation well-known and reputed for its designing of apparel products distributed throughout North America. Florentine's principal office is at 555 Chabanel St. W. #1106, Quebec H2N 2H8. Florentine owns the trademark Linea Domani.

6. Defendant, Victoria's Secret Direct New York, LLC. ("Defendant" or "Victoria's Secret"), is a Delaware Limited Liability Company with its principal place of business at 3425 Morse Crossing, Columbus, Ohio 43219. Victoria's Secret Direct New York, LLC may be served through CT Corporation System, 111 Eighth Avenue, New York, NY 10011.

FACTS COMMON TO ALL CLAIMS

7. On several occasions in 2005 and early 2006 representatives of Florentine met with representatives of Victoria's Secret in defendant's offices at 1114 Avenue of the Americas, New York, NY 10036 to discuss Florentine's designing and manufacturing ladies apparel for sale to Victoria's Secret.

8. As a result of these inquiries, on Wednesday, July 12, 2006, Diana Nastu of Victoria's Secret sent Janice Katsof of Florentine a package containing worksheets requesting that Florentine develop 15 different dress designs for dresses to be made by Florentine for purchase by Victoria's Secret. One of these work sheets depicted a bathing suit with an open

back and a three-ring emblem. This work sheet was identified as Proto No. GMSV07 – 31B (*Exhibit A*). Victoria's Secret asked Florentine to design a dress with similar features to the bathing suit with the open back and three ring emblem for manufacture and sale to Victoria's Secret.

9. On or about August 10, 2006, Florentine sent Crystal Anderson of Victoria's Secret a number of sample dresses (also referred to as "protos") for various designs, including a sample dress for the GMSV07-31B design (hereinafter referred to as "31B"). At that time, Victoria's Secret also requested a fabric header of Florentine's ITY quality with its specifications. Shortly thereafter, Florentine sent Victoria's Secret several additional protos.

10. At Defendant's request, Janice Katsof of Florentine quoted a price of \$ 26.00 for proto 31B, which Florentine identified as its Style # Linea Domani YV1650.

11. On or about September 11, 2006, Jessica Marx of defendant asked Janice Katsof of Florentine to send an additional dress sample of the design 31B for use as a photo sample.

12. After further review of the sample, on September 19, 2006, Rosaly Anil, the Senior Technical Designer for Victoria's Secret Direct Dresses / Active knits / Lifestyles, requested changes in the sample of the 31B design as follows:

"We reviewed above sample and have the following corrections:

- Tighten strap length about ¾" total as pinned
- Tighten front ruching as pinned about 1" total
- Place a drape at front skirt as we have pinned
- Make ring slightly larger as sample we have pinned".

13. On or about September 19, 2006, Rosaly Anil returned the sample No. 31B to Florentine. Janice Katsof of Florentine advised Jessica Marx as follows: "You will receive the corrected sample in approximately 2 weeks. We have to have the hardware for this dress made

specially. Our supplier said it will take approx. 1 ½ weeks to us.” A copy of various designs for the rings is attached hereto as *Exhibit B*.

14. On October 5, 2006, Janice Katsof e-mailed Crystal Anderson as follows: “In regards to the above mentioned sample. We just received the requested hardware for the dress. We had to have the gold O rings made for you. We will be sending out a new sample with all the corrections in size xs color black mid next week. When do you think we will receive the stock order on this item? Please advise.”

15. Janice emailed again on Tuesday, October 24, 2006 1:25 PM “Hello Crystal, As per our phone conversation, I have not received an update on the styles we submitted. Please advise.” Again on October 31, 2006, Janice emailed “As per my email of last week, is there any news on any of the styles we submitted? An update perhaps? Please advise. On November 2, 2006, Crystal Anderson wrote Janice, “My meeting with the merchants got cancelled this week so no update yet. I will keep you posted. Thanx.”

16. On November 14, 2006, Janice Katsof sent an email to Crystal Anderson as follows: “I just got out of a meeting with Brian and he is really down my back in regards to what is going on with ALL of the styles we have submitted to you. Especially the one we made the photo sample for (GMSV07-31). Please provide me with any info you have, as I would like to give him some type of feedback.”

17. On November 29, 2006 Crystal Anderson responded to Janice Katsof as follows: “I have a meeting early next week to go over our matte jersey dress strategy and I will have a better idea then. I know this has been frustrating and I apologize but what started as one project has turned into something much bigger that is out of my control. I will be able to give you some definite feedback after my meeting.”

18. Again on January 09, 2007 Janice Katsof of Florentine sent Crystal Anderson an email, as follows: "Wishing you all the best for the new year. Is there any GOOD news for us? Your last email said that you would keep us posted. Please advise".

19. On January 23, 2007 Crystal Anderson responded to: Janice Katsof which read as follows: "Unfortunately, I do not have good news for you. After reviewing our sourcing strategy with our EVP and VP, it has been decided to stay with our current vendors and explore other offshore production options through vendors brought in by our EVP. I am sorry this did not work out as you had hoped but I truly appreciate the effort you and your company made to try to start a relationship with us".

20. During the first week of February 2007, Florentine discovered that Defendant had misappropriated its dress design 31B, and was selling that dress for \$ 96 in its spring catalog and on the Internet. Upon information and belief, the actual dress provided to Victoria's Secret as a proto was used in the photographs in Victoria's Secret's catalog and in its Internet advertising. A copy of these advertisements are attached as Exhibit C.

21. On March 20, 2007 Janice Katsof sent Crystal Anderson an email as follow:

"Hello Crystal, Please return my proto samples (listed below). We would like to have them as soon as possible. Please advise when shipping.

GMSV07-31	GMSV07-21
GMSV07-15	GMSV07-28
GMSV07-30	GMSV07-20
GMSV07-34	GMSV07-18
GMSV07-19	GMSV07-07
GMSV07-26	GMSV07-29

22. Again on April 9, 2007 Janice Katsof sent Crystal Anderson an e-mail which read as follow: "Hello Crystal, Re my email of March 20th, 2007 this is a 2nd request. Please return all of our samples (listed below). Regards, Janice".

23. Victoria's Secret has returned only five of the samples, GMSVO7 -29, -18, -21, -33 and -30. Victoria's Secret failed to return the remaining dress samples.

24. At all times relevant to this case Victoria's Secret's conduct was malicious, reckless, and in willful disregard of Florentine's rights.

COUNT I - FALSE DESIGNATION OF ORIGIN

25. Defendant's use of Florentine's dress designs is likely to cause and has caused consumers mistakenly to believe that the Defendant, through Victoria's Secret, have an affiliation with Plaintiff or that Defendant's use of Plaintiff's dress designs was with the permission or authorization of Plaintiff.

26. By engaging in the activities described above, Defendant, through Victoria's Secret, has made and is making false, deceptive and misleading statements constituting false representations and false advertising made in connection with products distributed in interstate commerce in violation of Section 43(a) of the Lanham Act, 15 U.S.C. §1125(a).

27. By reason of the foregoing, Plaintiff is entitled to injunctive relief against Defendant, restraining further acts of unfair competition and false advertising and, after trial, to recover any damages proven to have been caused by reason of Defendant's aforesaid acts of false designations of origin, false representations and false advertising.

COUNT II - COMMON LAW UNFAIR COMPETITION

28. Plaintiff repeats and realleges the allegation in paragraph 1 through 24 above as if fully set forth herein.

29. Victoria's Secret has acted in bad faith by misappropriation of Florentine's expenditure of labor, skill and money.

38. Defendant has converted to its own use the dress prototypes delivered to it by Florentine. Accordingly Florentine has been damaged in an amount to be determined by the trier of fact.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff respectfully demands:

A. Immediately and permanent injunctive relief enjoining Defendant, its officers, directors, agents, servants, employees, representatives, attorneys, related companies, successors, assigns and all others in active concert or participation with them from doing any acts or things calculated or likely to cause confusion or mistake in the mind of the public or to lead consumers into the belief that products sold, offered for sale, distributed or transmitted by Defendant is authorized, sponsored, licensed, endorsed, promoted or condoned by Plaintiff, or are otherwise affiliated with or connected to Plaintiff and from otherwise unfairly competing with Plaintiff or misappropriating that which rightfully belongs to Plaintiff.

B. An award of compensatory and punitive damages in an amount to be determined by the trier of fact.

C. An award of costs, including reasonable attorneys' fees and disbursements, in this action.

D. Such other and further relief as the Court deems just and proper.

DEMAND FOR JURY TRIAL

Pursuant to Rule 38 Federal Rules of Civil Procedure, Plaintiff demands a trial by a jury of any issue so triable.

Dated: April 25, 2007

Respectfully submitted,

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By: _____

Kenneth N. Wolf

** Not admitted in New York*

EXHIBIT A

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EXHIBIT A

HAND-OFF SHEET
PRODUCT DEVELOPMENT

DIRECT

VICTORIA'S SECRET

PROTO #
EHS009-31B

DESCRIPTION:
MS. H&C silencing test detail

Target Cost

HAND-OFF DATE

VENDOR:

DATE SENT TO VENDOR

LI & FUNG

MAST

OTHER

Victoria's Secret

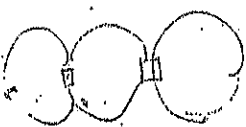
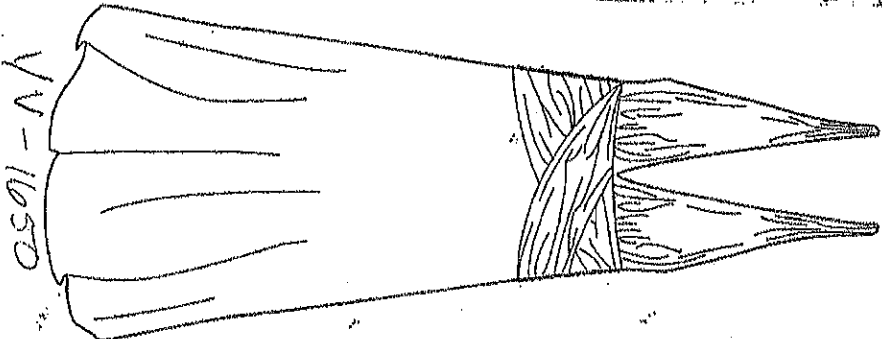
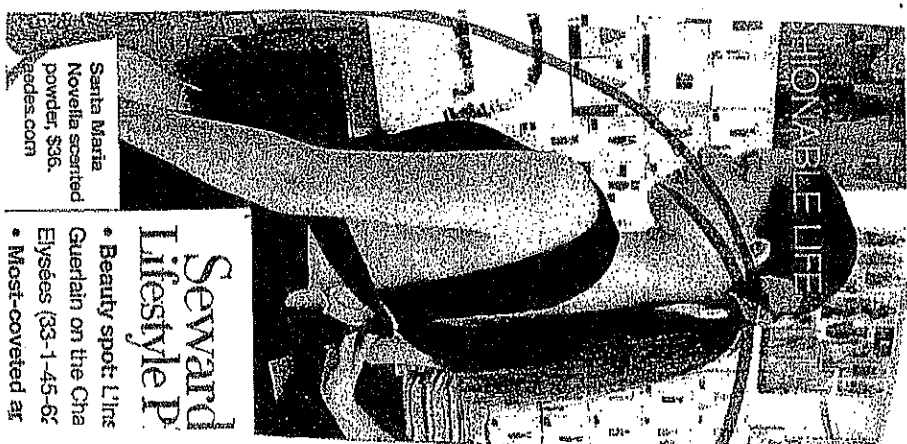
BASIC POMS:

01	FRONT LENGTH-HPS	
02	ACROSS SHLD-5" BELOW HPS	
03	ACROSS BACK-5" BELOW HPS	
04	ACROSS FRONT-5" BELOW AH	
05	CHEST 1" BELOW AH	
06	BOTTOM SWEEP	
07	FRONT ARMHOLE CURVED	
08	BACK ARMHOLE CURVED	
09	FRONT/BACK NECK DEPTH	
10	FRONT NECK WIDTH	
11	STRAP WIDTH	
12	SHOULDER SLOPE	
13	SLEEVE LENGTH /FROM HPS	
14		

FABRIC CONSTRUCTION

REF:

COLOR: JS



HAND-OFF SHEET HOLIDAY '06-CLASS
PRODUCT DEVELOPMENT

VICTORIA'S SECRET

DIRECT

DRESSES/SUITS

PROJ #
61807-

DESCRIPTION:

Target Cost:

HAND-OFF DATE:
7/11/06

FIT COMMENTS:

- front detail as per sketch
- 3 rings are 2 1/2" in diameter
- still zip
- Can the shirt be placed over as front with belt on ring

VENDOR:

DATE SENT TO
VENDOR:

MAST

LEK

BASIC POMS:

	FRONT LENGTH from natural waist	
01		"
02	ACROSS SHLD-5" BELOW HPS	
03	ACROSS BACK-5" BELOW HPS	
04	ACROSS FRONT-5" BELOW AH	
05	CHEST 1" BELOW AH	
06	BOTTOM SWEEP	
07	FRONT ARMHOLE CURVED	
08	BACK ARMHOLE CURVED	
09	FRONT/BACK NECK DEPTH	
10	FRONT NECK WIDTH	
11	STRAP WIDTH	
12	SHOULDER SLOPE	
13	SLEEVE LENGTH /FROM HPS	

FABRIC CONSTRUCTION/CONTENT:

REF:

7183529

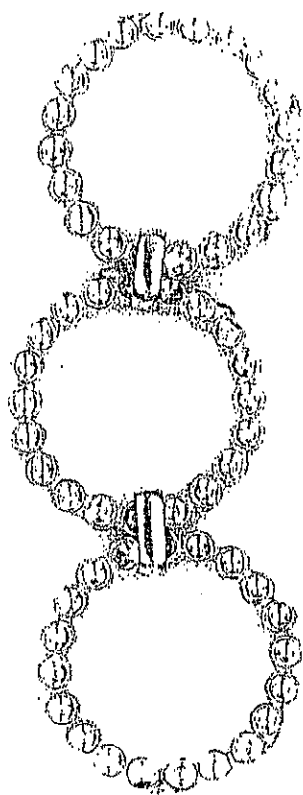
COLOR:

Black

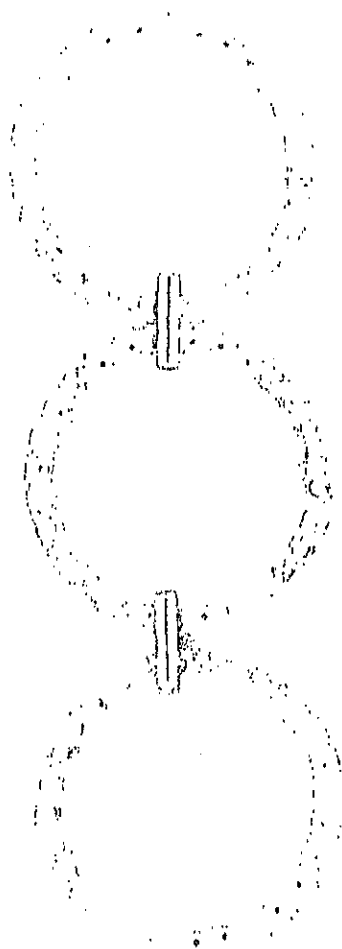
EXHIBIT B

EXHIBIT B

EXHIBIT B

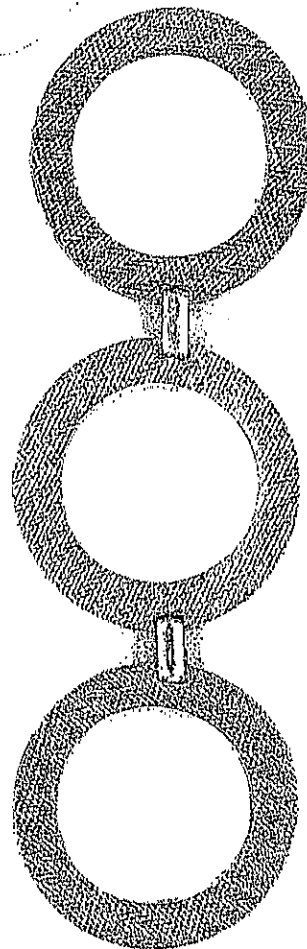


CR-508 x3.
NO-BAR



OR-2210 .
LARGE Ring Only

3.50



O-2006 x3

EXHIBIT C

EXHIBIT C

EXHIBIT C



OU
the

VICTORIA'S SECRET

SEARCH GO

HOME

CATALOGUE QUICK ORDER

SIGN UP FOR EMAIL

CUSTOMER SERVICE

YOUR ACCOUNT

SHOPPING BAG

BRAS

PANTIES

SLEEPWEAR

CLOTHING

SHOES

SWIM

BEAUTY

SALE & SPECIALS

PINK

CLOTHING

Features

New Spring Arrivals
Trend Tops
Luxe Linen
Handbags
VS Favorites

Tops & Tees

Bra Tops
Tees
Sexy Tops
Graphic Tees
Sweatshirts & Tunics
Shirts & Bodysuits

Sweaters

All Sweaters
Cardigans & Wraps
Turtlenecks
Crewnecks & V-necks

Pants

All Pants
Pants by Fit
The Christie Fit
The Kate Fit
The Marisa Fit
The Bridget Fit
Career Pants
Casual Pants
Yoga & Lounge Pants

Jeans

All Jeans
VS Uplift™
The Hipster
The Boyfriend
The Sexy
The Ultra Sexy

Dresses

All Dresses
Bra Top Dresses
Sexy Dresses
Daytime Dresses

Suits & Separates

All Suits & Separates
Seasonless Stretch
Stretch Cotton

Jackets & Vests

Skirts

Shorts

Yoga & Loungewear

Yoga & Loungewear
Matching Tops & Bottoms
Yoga Pants

Outerwear

Short & Long Lengths

Accessories

Sale & Specials



Plunging v-neck dress

Matte jersey dress with a soft feel, in a sweetly seductive silhouette that swings from day to night. Fit-and-flare shape. Open back and triple ring embellishment. Imported polyester/spandex.

23" from waist. Sizes XS-XL. #209-250 \$98.

select a color size quantity

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Stiletto sandal

Takes the strappy look to new heights. Imported kidsuede or patent leather. 4 1/4" heel with mini platform front.

Sizes 5-11; 6 1/2 - 8 1/2. #207-468 \$58.

select a color size quantity

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[> GO](#)

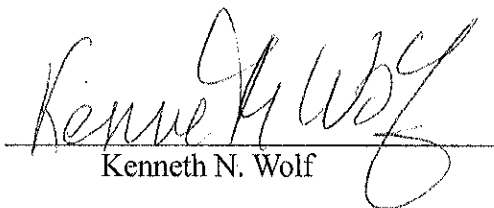
CERTIFICATE OF SERVICE

I, KENNETH WOLF, AS ATTORNEY FOR DEFENDANT, HEREBY CERTIFY that on April 25, 2007 a true and correct copy of the foregoing

SUMMONS and COMPLAINT

was served upon the below listed party by depositing, or causing to be deposited, a true copy in a United States mail receptacle properly enclosed in a securely closed envelope postage-prepaid by first class mail addressed to:

Victoria's Secret Direct New York c/o Registered Agent:
CT Corporation Systems
111 Eighth Avenue
NY, NY 10011


Kenneth N. Wolf